REMARKS

Introduction

Claims 1 - 19 were originally pending in this application. Claims 1 and 6 were previously amended, and claims 4 and 5 were previously cancelled. Claims 1 - 3 and 6 - 19 have been rejected. Claims 1 and 9 have been currently amended, and claims 3 and 11 have been currently cancelled to better define the invention and present the claims in better form for consideration on appeal. Thus, claims 1 – 2, 6 – 10, and 12 – 19 remain pending for consideration in the application. No new matter has been added.

Claim Rejections

35 U.S.C. §103(a)

Claims 1 – 3, 6 - 15, and 17 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen '586 patent in view of the Weiss '102 patent. More specifically, the Examiner stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hansen to include a spring-biased-dowel mount as taught by Weiss since such a structure is a conventional alternative structure used for the same intended purpose, thereby providing structure as claimed. The Examiner also stated that the structure of the Hansen invention can be both cantilevered-supported and supported by a leg structure as a structure is entitled to all of its uses. The Examiner also stated that the use of clips and a recess for structures in trays is well-known and commercially used and the applicant is given judicial notice of such.

Furthermore, claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hansen '586 patent in view of the Weiss '102 patent as applied to the claims above and further in view of the Sammons '202 patent. More specifically, the Examiner stated that it would have been

obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hansen to include a peripheral edge as taught by Sammons since such a structure is a conventional structure used for the same intended purpose, thereby providing structure as claimed.

Independent claim 1 was previously amended to include the limitations formerly set forth in claims 3 - 5. However, only claims 4 and 5 were previously cancelled. As such, claim 3 has been currently cancelled, and claim 9 has been currently amended to change the claim number from which it depends. In an effort to advance this case toward allowance, claim 1 has been amended herein to include the limitations formerly set forth in claim 11, and claim 11 has been cancelled. The applicants cannot agree that the invention defined in amended claim 1 would have been obvious over the Hansen '586 patent in view of the Weiss '102 patent. Each of claims 2 and 6 - 19 is ultimately dependent upon amended independent claim 1. Accordingly, these rejections are respectfully traversed.

The Prior Art

The Hansen '586 Patent

The Hansen '586 patent discloses a portable desk 10 for hanging from the rear portion 56 of a seat back 54. The desk 10 includes a table board 12 having substantially planar upper and lower surfaces 14, 16, a top portion 22, and a bottom portion 24. Each of a pair of mounting brackets 28, 30 has a mounting portion 32, 36 securable to the lower surface 16 of the table board 12 and an attachment portion 34, 38 extending beyond the top portion 22 of the table board 12. The attachment portion 34, 38 includes a connection member 40, 42 for releasable attachment to a top 58 of the seat back 54. Support members 46, 48 extend from the lower surface 16 of the table board 12 for bracing the table board 12 against the rear portion 56 of the seat back 54 to define an operational angle of the

desk 10 relative to the seat back 54. Finally, a support ledge 26 is disposed along the upper surface 14 of the table board 12 near the bottom portion 24 to provide a brace for materials placed on the upper surface 14 of the table board 12 during use of the desk 10.

In operation, the attachment portions 34, 38 of the respective mounting brackets 28, 30 are placed underneath the top 58 of the seat back 54 so as to engage the corresponding connection members 40, 42 with the top 58. Thus, the top 58 seats in juncture 60, which is defined between the connection members 40, 42 and their respective attachment portions 34, 38. Once this engagement has been accomplished, the table board 12 is allowed to fall and rotate about the juncture 60.

However, the Hansen '586 patent does not disclose or suggest a portable tray for a vehicle interior including a body and a support mechanism. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. The body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Weiss '102 Patent

The Weiss '102 patent discloses a utility board 10 with a holder 20 for general use by an occupant of an automobile and adapted to be slidably mounted in underlying relation to a dashboard D of the automobile. More specifically, the holder 20 is secured in underlying relation to a

horizontal floor panel 9 of the dashboard D by bolts and to a rear panel 7 of the automobile by screws or thread-forming fasteners 26. The utility board 10 is adapted to be inserted and fit within the holder 20, and the underside of the utility board 10 provided with a finger recess 12 for extending the utility board 10 from within the holder 20.

To prevent the utility board 10 from sliding out of the holder 20 when, say, the automobile is climbing a hill, a pair of detent mechanisms are employed to positively hold the utility board 10 in a retracted position, but permit extension of the utility board 10. A ball 37 of the detent mechanism presses against the corresponding side edge of the utility board 10 when it is extended and imposes a frictional resistance on the utility board 10 to retain it in the position to which it is extended.

However, the Weiss'102 patent does not disclose or suggest a portable tray for a vehicle interior including a body adapted to be operatively supported to the interior of the vehicle and a support mechanism connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. The body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Sammons '202 Patent

The Sammons '202 patent discloses a serving tray adapted to be secured to a dashboard of an automobile and swung outwardly when it is desired to use the tray and about a pivot to be positioned behind or forwardly of the dashboard when the tray is not in use. The tray includes a body portion 1 formed with an upstanding flange 2 surrounding the body portion 1. A pair of spaced combined-bearing-and-hinge members 3, 4 are integrally formed with the body portion 1 and located on one side and adjacent opposite ends of the tray. Locking means are formed in the combined-bearing-and-hinge member 3, 4 for supporting the tray in an extended position when the tray is in use and for locking the tray in a retracted or hidden position when the tray is not in use.

However, the Sammons '202 patent does not disclose or suggest a portable tray for a vehicle interior including a support mechanism adapted to removably support a body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. The body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

The Present Invention

In contrast to the references of record in this case, the present invention as described in amended independent claim 1 is directed toward a portable tray for use at multiple locations of the interior of a vehicle. The tray includes a body adapted to be operatively supported to the interior of the vehicle and defines at least one substantially planar work surface. A support mechanism is connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. The support mechanism includes a spring-biased dowel adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle and apply a retaining force in opposite directions with respect to the disposition of the spring-biased dowel and against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. The body also includes at least one leg extending from the body and adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

Argument

35 U.S.C. § 103(a)

The Examiner asserts that the Hansen '586 patent discloses the invention as claimed in claim 1 of the present application, except for the mounting structure of the Hansen invention not being a spring-biased dowel, and that the Weiss '102 patent discloses use of an outwardly extending spring-biased dowel to provide for a mount. The Examiner also asserts that it would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify the invention of

Hansen to include a spring-biased-dowel mount as taught by Weiss since such a structure is a conventional alternative structure used for the same intended purpose, thereby providing structure as claimed.

The applicant, in one of its most recent arguments to the Examiner against such obviousness, stated that both the Hansen desk 10 and Weiss utility board 10 must be reconstructed or rearranged to change their respective operations to meet the applicants' claim. In response thereto, the Examiner stated that the Hansen '586 and Weiss '102 patents teach structure as claimed able to function as claimed.

However, the claimed combination cannot render the prior art unsatisfactory or inoperable for its intended purpose or change the principle of operation of the primary reference. More specifically, if a proposed modification would render the prior-art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. Also, if the proposed modification or combination of the prior art would change the principle of operation of the prior-art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959); MPEP § 2143.01.

Here, the Hansen desk 10 relates particularly to a portable desk for **hanging from the rear portion of a seat back**. One object of the Hansen desk 10 is **to provide a portable desk adapted for hanging from the top edge of a seat back**, and another object is **to provide a portable desk that may be attached to the seat handles typically found on seats in buses and commuter railroad cars** (column 1; lines 58 – 60, 64 – 67). In fact, the "hang" feature of the Hansen desk 10 is mentioned no fewer than 9 times in the disclosure of the Hansen '586 patent. Thus, an intended purpose of the Hansen desk 10 is **to provide a portable desk for hanging from the top edge of a**

seat back. To hang the Hansen desk 10, it is only necessary to place the attachment portions 34, 38 underneath the top 58 of the seat back 54 so as to engage the corresponding connection members 40, 42 with the top 58. Thus, the top 58 seats in the juncture 60. Once this engagement has been accomplished, the table board 12 is allowed to fall and rotate about the juncture 60 (column 3; lines 60 - 67). Therefore, the principle of operation is only **to place the attachment portions 34, 38 underneath the top 58 of the seat back 54 so as to engage the corresponding connection members 40, 42 with the top 58 such that the table board 12 is allowed to fall and rotate about the juncture 60**.

However, if the Hansen desk 10 were modified to include the Weiss "spring-biased dowel" to insure that the Hansen desk 10 could be operatively supported to the interior of the vehicle in cantilevered and stationary fashion, then the Hansen desk 10 would be inoperable for its intended purpose because the desk 10 would no longer be "hangable." In particular, placement of the "spring-biased dowel" underneath the top 58 of the seat back 54 so as to engage the "spring-biased dowel" with the top 58 would render falling and rotation of the table board 12 about the juncture 60 unsatisfactory or inoperable.

Also, it is respectfully submitted that modifying the portable desk 10 of the Hansen '586 patent to include the detent mechanisms of the utility board 10 of the Weiss '102 patent does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1. Simply put, the structure and function of the support mechanisms of the present invention and their respective structural relationship with other elements of the present invention and the corresponding elements of the vehicle interior are much different than the structure and function of the detent mechanisms of the utility board 10 of the Weiss '102 patent and its structural relationship with other elements of the utility board 10 and the corresponding elements of the holder 20.

More specifically, the spring-biased dowel of the present invention is connected to the body and adapted to removably support the body to structural components of the interior of the vehicle such that the tray can be manually moved and used at various locations within the interior of the vehicle. To this end, the spring-biased dowel is adapted to be disposed between and in contacting relationship with a pair of spaced structural components of the interior of the vehicle. The spring-biased dowel is also adapted to apply a retaining force against the respective structural components such that the body can be operatively supported to the interior of the vehicle in cantilevered and stationary fashion. Also, the leg of the present invention extends from the body and is adapted to be supported against at least one structural component of the interior of the vehicle such that the tray can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

On the other hand, each of the detent mechanisms of the Weiss device is connected to the holder 20, not to the utility board 10. Also, each detent mechanism is urged from the holder 20 (another element of the Weiss device) toward the corresponding side edge of the utility board 10, not from the utility board 10 toward a corresponding structural component of the interior of the vehicle. Furthermore, the spring-pressed balls 37 of the corresponding detent mechanisms are adapted only to impositively hold the utility board 10 in a retracted or extended position with respect to the holder 20 (which is secured to the dashboard D by bolts and screws or thread-forming fasteners 26), not to removably support the utility board 10 to corresponding structural components of the interior of the vehicle such that the utility board 10 can be manually moved and used at various locations within the interior of the vehicle. In addition, each detent mechanism is adapted to be disposed between and in contacting relationship with and, thus, apply a retaining force against the utility board 10 and holder 20, not between and in contacting relationship with a pair of spaced structural components of the

interior of the vehicle. Moreover, the detent mechanisms operatively support the utility board 10 to the holder 20 in non-cantilevered fashion, not to the interior of the vehicle in cantilevered fashion. Plus, neither the Hansen nor Weiss device includes at least one leg extending from the device and adapted to be supported against at least one structural component of the interior of the vehicle such that the device can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

So, unlike the support mechanisms of the present invention, neither detent mechanism of the Weiss device is connected to the utility board 10, nor are the detent mechanisms adapted to removably support the utility board 10 to corresponding structural components of the interior of the vehicle. Also unlike the support mechanisms of the present invention, neither detent mechanism of the Weiss device is adapted to be disposed between and in contacting relationship with and, thus, apply a retaining force against a pair of spaced structural components of the interior of the vehicle. Also unlike the support mechanisms of the present invention, the detent mechanisms do not operatively support the utility board 10 to the interior of the vehicle in cantilevered fashion. Also unlike the support mechanisms of the present invention, neither the Hansen nor Weiss device includes at least one leg extending from the device and adapted to be supported against at least one structural component of the interior of the vehicle such that the device can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

As can be easily seen, then, modifying the portable desk 10 of the Hansen '586 patent to include the detent mechanisms of the utility board 10 of the Weiss '102 patent does not result in the portable tray for a vehicle interior of the type described in amended independent claim 1. In fact, to obtain such result, a combination of the Hansen '586 and Weiss '102 patents would require that at least the holder 20 of the Weiss device be eliminated, the detent mechanisms be connected to the

utility board 10 (instead of the holder 20), and each spring-pressed ball 37 of the corresponding detent mechanism be urged from the utility board 10 toward a corresponding structural component of the interior of the vehicle (instead of from the holder 20 toward the corresponding side edge of the utility board 10). Further, the mounting brackets 28, 30 of the desk 10 of the Hansen device would have to be eliminated. Moreover, the Hansen or Weiss device would have to include at least one leg extending from the device and adapted to be supported against at least one structural component of the interior of the vehicle such that the device can be operatively supported against the interior of the vehicle in non-cantilevered and stationary fashion.

Thus, the suggested combination of the respective teachings of the Hansen '586 and Weiss '102 patents would require a substantial reconstruction and redesign of the corresponding elements shown in the Hansen desk 10 and Weiss utility board 10 as well as a change in the basic principle under which construction of the Hansen desk 10 was designed to operate. More specifically, the suggested combination would render the Hansen desk 10 unsatisfactory or inoperable for providing a portable desk for hanging from the top edge of a seat back. To provide such a desk, the claimed combination would require other than merely including a spring-biased dowel with the desk 10.

The deficiencies in the teachings of the combination of the Hansen '586 and Weiss '102 patents are not overcome in the disclosure of the Sammons '202 patent. Thus, none of the references, alone or in combination with either or both of the other references, discloses or suggests the portable tray for a vehicle interior described in amended claim 1.

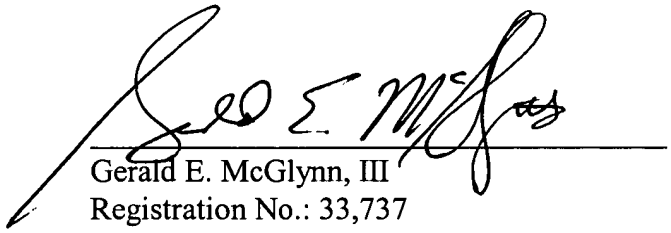
The applicants respectfully submit that independent claim 1, as amended, recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the references of record in this case. Claims 2, 6 – 10, and 12 – 19 are all ultimately dependent upon amended independent claim 1 and add further perfecting limitations. As such, the

prior-art references, in combination or each reference standing alone, do not suggest the subject invention as defined in these claims. However, even if they did, they could only be applied through hindsight after restructuring the disclosures of the prior art in view of the applicants' invention. A combination of the prior art to derive the applicants' invention would, in and of itself, be an invention.

Conclusion

Independent claim 1, as amended, recites structure that is neither disclosed nor suggested by the prior art and is patentably distinguishable from the cited art discussed above. Each of claims 2, 6 – 10, and 12 – 19 is dependent upon amended claim 1 and adds perfecting limitations thereto. The amendments set forth herein present this application in a condition for allowance or, in the absence of allowance, in better form for consideration on appeal. Accordingly, the applicants respectfully request that this amendment be admitted pursuant to 37 C.F.R. § 1.116 and the rejections be withdrawn. Accordingly, the applicants respectfully solicit allowance of the claims pending in this case.

Respectfully submitted,



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